PRESERVED

App. F. IX-4

Previous References

193 6
(Cts)

File No. 101-36

Serial Nos. 1-10.

Letter References

~~B. & S.~~

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for

SUBJECT.

Administrative Control over the Staffs attached to the Subordinate ~~Civil~~ Criminal Courts in the State.

WD 0285—GPB—22,500—18-8-37

Serial No.

1

From
The Registrar High Court
Rec No 23 Dt 23.10.36.

Requests Orders Of Government as to whether the High Court shall be the Controlling authority in regard to the Appointment promotion, retirement, punishment and dismissal of members Of the Staffs Of the Courts Of Special Magistrates/

The High Court proposes to have the administrative Control over the members of the Staffs Of the Courts Of Special Magistrates in matters relating to the appointment, promotion, retirement, punishment and dismissal etc.

Rep. T.S. for 136-12 Revenue Code Chapter VIII

2/ Under the Existing Orders, the Establishments Of the Magistrates' Courts are under the Control Of the District Magistrates. It is seen from the P.W.D that proposals re. the grant Of Extension Of Service, increasing the Strength and Revision Of the Scales Of pay etc Of the members Of the Staffs Of the Magistrates' Courts have come up before the High Court and that the High Court have not been Exercising any Control over the question Of appointment, promotion, leave and

NOTE—Contn. Sheet. (1)

Transfer of the Staff of the Magistrates' Courts.

The High Court is of opinion that it would be logical and convenient if the establishments of all the Magistrates' Courts as well were under its administrative control. (2)

The High Court has incidentally raised the question as to whom an appeal should lie (the High Court or the Revenue Commissioner) after cases taken in which the District Magistrates order the dismissals of officials borne on the establishments of the Magistrates' Courts. It is not clear from the P.A.D as to whether any such cases of this kind ever arose and if so, how they were dealt with on those occasions. Previous references relating to such cases, if any, could not be traced. It is not also clear as to how the questions like the transfers of the officials belonging to the Magistrates' Courts from one district to another if found necessary, are being dealt with. (3)

If approved, the District Magistrates may be consulted in the matter

Re. the administrative Control of the High Court over the establishments of the Special Magistrate's Courts

General and Revenue Secretariat — File No. 101 of 1936 — [App. F. III—2

Serial No.

5) The High Court has also stated that a doubt has been felt in regard to an appeal preferred by a Head Clerk of a Special Magistrate's Court against the order of dismissal passed by the Dist. Magistrate.

11) The question for consideration will be as to by whom the appl. was appointed & the Spl. Magte's Court and where he was serving before. MK

6) Pending the receipt of the opinions of the Dist. Magistrates on the general question of administrative Control over the members of the Staffs of the Magistrate's Courts, it is for orders as to whether the High Court may be authorised to decide the appeal preferred by the Official referred to above.

7) Submit for orders with references

CSR 18/11

8) A draft of a letter to the Dist. Magistrates calling for information is also submitted herewith for approval or other orders.

JSR 14.11.36.

9) It is for consideration if RE may be consulted

10) If approved, a copy of the letter & the High Court may be sent to the Revenue Board for opinion before when the question of calling for the opinion & the same may be considered

Chief secretary

12) The Dist. Magte's will be if approved consulted in the prior instance on the proposal of the High Court, as the appl. in particular in evidence may be called for.

16/11

13) 207

WD 0417—GPB—30,000—8-9-36

NOTE—Contn. Sheet.

16 NOV. 1936

19 NOV. 1936

Re the administrative control of the High Court over the staffs of the Magisterial Court.

File No. of 193 . | General and Revenue Secretariat

Serial No.

16) Dealt with. Has alternative drafts for consn.

20/11 1) Draft A appears to be suitable — A copy of the letter of the High Court may be sent to D.M.s if approved

Chief Secretary) hsp 27/11

16) Draft A. appd. The last para of the letter from the High Court need not be included in the Endorsement.

A | MMS 28/11

17) Issued. Action & note where is necessary on A hsp 30-11

28 NOV 1936 GOVT. OF MYSORE.

30 NOV 1936 GENL & REV. SECT.

2

To
The Dist. Magistrates of Dists
P 263-41 Dt 9.12.36

Copy of opinion on the matter of the administrative control over the staffs of the Courts of Special Magistrates.

3592, 3387, 3505, 3629, 375

Re. the administrative Control over the Staffs of the Special Magistrates Cou

General and Revenue Secretariat — File No.. 101 of 1936. — [App. F. III—2

Serial No.	
3	From The ~~DM~~ Nilgiris Lois 4, 709 Dt 4.12.36 Furnishes his opinion ~~Matter~~ administrative Control over the Staffs Of the Special Magistrates.
4	From ~~DM~~ Shimoga. G Lois 372 Dt 12.12.36 Furnishes his opinion on the above subject
5	From ~~DM~~ Kadur Dist J 2336 Dt 18.12.36 Furnishes the opinion called for
6	From ~~DM~~ Hassan Dist S/ Dis 2059 Dt 25.12.36. Furnishes the opinion called for. (8) The opinions of the Dist Magistrates of Bangalore, Chitaldrug, Tumkur and Kolar are awaited (9) On receipt of the above, a Consolidated Statement will be submitted for orders

Submitted. 7-1-37

Sd 20/12/36 30.12

NOTE—Contn. Sheet.

WD 0417—GPB—30,000—8-9-36

No File No. 101 of 193 6

General and Revenue Secretariat

Serial No.

6

From the Dy Secretary
No GL.C. 2216/36-37 dt 21-1-37
To the Dy Secretary
No GC. 136/36 37 dt 23-1-37

Requisite opinion re the administrative control of the Court of the Sheriff of Bangalore.

1) Sd. The opinion of the Dy Commr of Bangalore and Cubbal drug will be awaited till the end of this month.

2) Sd 28/1

27/1

Sd/-

Sd 28/1

Pl. remind on 2-2-37
Sd/-
Issued on 2.2.37

From
The D.M. Bangalore Dist
J. - 1737/35-36 dt 15.2.37
Forwarding his opinion in the matter of the administrative control of the Munsiffs and the Sheriff over the Special Magistrates.

1) If approved, the receipt of the report of the D.M. Chitaldrug may be awaited for a week more

2) Sd 18.2

Sd/- 18/2

Sd/- A Tate
Pl. issue
26.2.37

Serial No.

9 From
The District Magistrate Chitaldrug
J3 L 1847/36-37 dt 4.5.37

Furnishes his opinion in the matter of the administrative Control over the members of the Staffs of the Courts of Special Magistrates in the State.

(25) The Opinions of all the Dist. Magistrates of Dists have been received and are placed below for reference.

(26) The Opinion of the Dist. Magistrates is not unanimous in regard to the transfer of the Administrative Control over the Staffs of the Special Magistrate's Courts. The Opinion of the Dist. Magistrates of Bangalore and Kadur are not definite in the matter and the Dist. Magistrate of Hassan is not in favour of any change over the present system.

(27) The Dist. Magistrates of Shimoga, Kolar, Tumkur and Chitaldrug are of opinion that there would be no difficulty if powers are to be Vested in the High Court to ~~hear~~ decide appeals

WD 0417—GPB—80,000—8-9-36

over the Orders of the Dist. Magistrates in regard to the ~~disciplinary action~~ promotions etc of the Courts establishments and disciplinary action in regard to the Work of the Officials in such Courts.

28) The Dist. Magistrate Mysore is however of opinion that the administrative Control over these establishments should vest in the Revenue Dept so long as the present System Continues.

29) It is however seen from the Correspondence that the staffs of the Special Magistrates' Courts are generally of the Revenue Dept and most of them have liens on their appointments in the Revenue Dept and look to promotions in that department. In View of this, it is a point for Consideration whether the ~~question~~ appeals against the Orders of the Dist Magistrates in respect of the staff of the Special Magistrates Courts may lie to the Revenue Commissioner.

30) Pending decision of the General question of transfer of the administrative Control

6295

Administrative Control over the establishments of the Special Magistrates' Courts

Serial No.

over the staffs of the Special Magistrate's Courts, the point for consideration appears to be as to whom the appeal against the order of the Dist. Magistrate has to lie (High Court or Rev Com). It is stated in the High Court letter dt 23-10-36 that a doubt has arisen in regard to an appeal by a Head Clerk of a Special Magistrate's Court against the order of the Dist. Magistrate dismissing the official. A reply to the High Court re this appears to be necessary.

Kind reference is invited to the Chief Secretary's Minute in para 11 of the notes on the above point and from the letters of the Dist Magistrates, it is assumed that the official in question like the other officials who are working in these Courts belongs to Revenue Dept. If approved, this may be made clear by a calling for a report from the High Court.

No report from the High Court appears necessary just now.

(31) Submitted for Orders with a Statement embodying the opinions of the Dist. Magistrates, the majority of whom (4 Dists) seem to be in favour of the High Court having appellate powers in respect of the DH.

CSOR 18/5

14-5-37

WD 0417—GPB—30,000—8-9-36

Serial No.

32) The High Court seeks the orders of Government as to who should be the controlling authority in regard to appointment, promotion, retirement, punishment and dismissal of members on the staff of the Courts of Special Magistrates. The view of the Judges is that it would be logical and in some ways convenient if the establishments of all the Courts, Civil and Criminal, were under the administrative control of the High Court. After the constitution of the Special Magistrates' Courts, the District Magistrates are selecting officials to the Special Magistrates' Courts either from the District Revenue Staff or from the list of candidates intended for the Revenue Department and chosen by the Central Recruitment Board. It happens now that there are some Courts in which Civil Work also is dealt with, for instance the Subordinate Judge's Court, Special Magistrate's Court and the Munsiff Magistrate's Courts. In such combined Courts, there are officials drawn from both the Civil Court and the Revenue Department. It is not clearly understood what the High Court means when it says that the " establishments should be under the administrative control of the High Court. " They have not said as to who should directly control the staff of these Courts and how they should be recruited. Whether they are recruited from Civil Courts or from the Revenue Department, the immediate control over such staff should vest in the District Magistrate and the presiding ~~under the guidance of the~~ Magistrates ~~themselves~~. If the High Court intends that a separate cadre should be formed for these Special Magistrates' Courts independently of the Civil Courts or

NOTE—Contn. Sheet.

WD 0417—GPB—30,000—8-9-36

or of the Revenue Offices, that scheme is not a commendable one. There are about 112 clerks in all the Criminal Courts in the State. The highest salary at present paid to a clerk among these 112 clerks is about Rs. 55/- per mensem and most of the clerks are below Rs. 40/-, and they cannot therefore expect any promotion beyond Rs. 55/- if all the clerks of the Criminal Courts are grouped separately. They must therefore either form part of the ~~Civil~~ Judicial or Revenue Establishment. So long as the Deputy Commissioners continue to be District Magistrates, no sufficient grounds exist for disturbing the present arrangement of recruiting officials from the Revenue establishment; ~~hence modified.~~ Granting that the clerks are recruited from the Civil Courts as against the existing system, still the District Magistrate, as the chief controlling authority in the District, should have disciplinary control over the Criminal Courts' Staff, The District Magistrates in the State were consulted with regard to the proposal of the High Court. Some of them are averse to the transfer of control from their hands to the High Court. The Mysore District Magistrate proposes that the administrative control over the establishment of the Courts should vest in the Revenue Department. The District Magistrates of Shimoga, Kolar and Bangalore are agreeable to the High Court exercising jurisdiction in the matter of hearing appeals against the orders of District Magistrates. So also the District Magistrate of Chitaldrug. The High Court has nowhere urged that the direct controlling authority should be

Serial No.

be vested in them. They only want the ultimate control to be vested with them. It is therefore desirable that the existing arrangements of the District Magistrates recruiting such officials should continue and that the power to hear appeals against the disciplinary action taken by District Magistrates and the power to retire, dismiss or punish such officials should be vested in the High Court. The appointment and promotion should vest with the District Magistrate as he has got the power of interchanging these officials from one Department under his control to another.

(33) As it is, some of the Magistrates are being controlled by officers of two different departments, namely the District Magistrate and the District Judge, and there have not been any complaint about this dual control of officers. Similarly, there cannot be anything objectionable in the District Magistrate controlling the Criminal Court Staff and the District Judge controlling the Civil Court Staff wherever there are two kinds of staff working in these combined Courts. The High Court cannot have the power of controlling the appointment or the promotion of officials in these Courts as these officials come from Revenue Offices and may have to go back to the Revenue Offices whenever their chances of promotion come according to the order of seniority. It cannot be doubted that the High Court is the chief administrative head of the Judicial Department, both over Civil and Criminal Courts. But considering the special mode of recruitment to the Criminal Courts, except in the matter of appointment and

WD 94W—APR—30,000—3-9-36

Administrative Control over the Staff of the Special Criminal Courts

C. File No. 101 of 193 . | General and Revenue Secretariat

Serial No.

and promotion, the High Court may be vested with powers referred to above and to take such disciplinary action as they deem fit with regard to officials of these Courts, even when they leave the Criminal Courts for what they did in the Criminal Courts. The increase and the revision of the staff of the Criminal Courts should lie in the High Court as they control the Courts and the budget relating to such Courts. The order of retirement of officials, who are working in the Criminal Courts at the time of retirement, should also be by the High Court.

3-4) Briefly expressed the following powers may be exercised by the High Court over the staff of the Criminal Courts:-

(1) Retirement,
(2) Punishment,
(3) Dismissal

of officials of Criminal Courts,

(4) Hearing appeals against the orders of District Magistrates in the matter of discipline ending in suspension or dismissal of an official of a Criminal Court,

(5) Disciplinary jurisdiction to extend over officials even after they leave Criminal Courts for their conduct while in such Courts,

(6) Revision of the staff of Criminal Courts.

Chief Secy) 35 Please discuss with me. MK 28/5 — 36 Discuss the matter with the H/S. MK 28.5

37 The Rules may be consulted.

MK 28-7-37

26.7

CHIEF SECRETARIAT 28 JUL 1937 GOVT. OF MYSORE

2330/P/37

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

Serial No.

G.O.No.P II 737 dated 31st July 1937 } 78

Forwarded With Compliments to the Revenue Commissioner in Mysore for favour of opinion

By Order

Shamanna
for Chief Secretary to Govt.

C 593/37-38 1b

OFFICE OF THE REVENUE COMMISSIONER IN MYSORE * BANGALORE. * No..... 31. JUL. 1937

No C593/37-38
14/10/37

79 I think that the District Magistrates may continue as at present to excercise over the establishment of Criminal Courts under her control powers similar to those which she excercises as Deputy Commissioners over the revenue establishments in her Districts and appeals from the orders of the District Magistrates may lie to the Revenue Commissioner as most of the officials working in Criminal Courts have their liens on appointments in the Revenue Department.

D/- 14-10-37.

M V Chandrasekhar
Revenue Commissioner.

CHIEF SECRETARY * 14. OCT. 1937 * GOVT. OF MYSORE

Returned with compliments.

14/10
16.10

Submitted for orders as to whether the High Court may be informed on the above lines.

16/10

NOTE—Contn. Sheet.

WD 0417—GPB—80,000—8-9-36

Administration Control over
Ministerial Staffs of Special Magistrates

Cy File No. 101 of 1936

General and Revenue Secretariat

Serial No.

(1) The Key Comments are found in the previous page — I also ~~concur~~ think as stated in para 34 that the right of appeal should lie to the High Court against the orders of the D.C. & that the High Court should have direct disciplinary Control over the staff & the Cr. Court (Chief Secy.)

hy

(2) Proposals contained in para 34 supra seem to be reasonable and may be tried for some time. The best course would be to separate the staff in criminal courts from the ordinary revenue Establt. but this course of action would not be in their interests. So long as there is not a complete separation of Judicial and Exec. functions, the existing arrangements in regard to recruitment & the Magistl courts will have to continue.

CHIEF SECRETARY 1 [illegible] 193[illegible] OF MYSORE.

OFFICE OF THE FIRST MEMBER OF COUNCIL NOV 5 1937 No. 2741

1st paragraph) (3) I think that the proposals contd in para 34 may be adopted as a temp[orary] measure for 2 years. It may be considered further at the end of the period in the light of Experience gained

MK 5.11.37

hy 5.11

SPM. 13/11

MK 13/11

hy 13.11

Administration Control over the establishments of the Special Magistrate's Courts.

(5302)

General and Revenue Secretariat | File No. | of 193 . | [App. F. III—2

Serial No. 44)

Subd With a draft of a G.O. for consideration

CSR 19/11 22. (Chief Secy) Please bring up. hg 23.11

MS 23/11

Please put up a fair draft

hg 26.11

XXX Typed Secn work 24.11.37.

Subd with a typed draft

CSR 29/11 Revised draft as instructed.

(Chief Secy) hg

Please put this up 26.11

after the 1st member's return from tour.

MS 27/11

Revised draft put up.

(Chief Secy) hg 8.12

For perusal before issue.

MS 9.12.37

1st member hg 10.12

S/D 10/12 MS 11/12

To
The Regr High Court
The Regr Civil Courts
The Dist Magists
The Comptroller & Govt

issued hg 17.12

P 3195-3256 dt 21.12.37.

WD 0284—GPB—30,000—13-9-37

Passes Orders re. the Administrative Control over the Staff of the Special Magistrates Courts in the State

10

Normal Contn. Sheet

App. F. VI, G. 10

Government of his highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS

Administrative Control over the Staffs attached to the Courts of the Special Magistrates

Passes Orders in the matter of ——————— in the State

G. O. No. P 3195-3206/Cts 101-36-10 DATED 21st December 1937.

May this be

i. printed ? Yes

ii. treated as a standing order ? Yes

iii. published in the Gazette, English Part ?

iv. translated ?

v. placed at the disposal of the press ?

vi. published in the Gazette, Kannada Part ?

} No.

Spare Copies 250 -

Submitted for Orders

1 Copy 3/1

R. O. C. No. Pers. 23
Dis. 36-37

2592/V/36

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore, 22nd October *193* 6.

23/12

CS 101-36-1

FROM

~~Sundararaja Rao, Esq., B.A., B.L.,~~
T. Shamiengar, Esq., B.A., B.L.,
~~S. Venkata Ranga Iyengar, Esq., B.A., LL.M.,~~

pro Reg

Registrar, High Court of Mysore.

To

B. T. Kesaviengar, Esq., B.A.,
Chief Secretary to the Government of
Mysore, Bangalore.

SIR,

29/10 (illegible)

I am directed to request that, if convenient, the Government will be pleased to issue orders whether the High Court shall be the controlling authority in regard to the appointment, promotion, retirement, punishment and dismissal of members of the staffs of the Courts of Special Magistrates. A doubt has arisen in regard to an appeal by a Head Clerk of a Special Magistrate's Court against an order of the District Magistrate dismissing him; and it is not clear whether the appeal lies to the High Court or to the Revenue Commissioner. After the Government in their Order No. J. 4550-4600/Cts. 312-12-1 dated 10th May 1918, decided on the introduction of the scheme for the separation of judicial and executive functions, a beginning was made with the introduction of the scheme into the Bangalore and Shimoga Districts (vide Government Order No. G.7962-69/Cts. 27-18-3 dated 1st November 1918). In doing so the Government empowered the Deputy Commissioners and District Magistrates to select competent officials for the new Courts and directed that the establishments of those Courts should remain under the control of District Magistrates. (Vide 1st and 2nd Sub-paragraphs of paragraph 5 of the Government Order of 1st November 1918). Similarly while ordering the introduction of the scheme into the other districts of the State in succession the Government continued to empower the Deputy Commissioners and District Magistrates of the respective Districts to select competent officials for the new Courts and directed the continuance of the establishments of

the

the Courts in those Districts under the control of the District Magistrates concerned. Accordingly the District Magistrates have exercised control over the establishments of the Special Magistrates' Courts in their Districts. As Deputy Commissioners they have also control over the establishments of the Revenue, Police, Excise and other departments in their Districts. Thus the Deputy Commissioners and District Magistrates can transfer the members of the staffs of the several departments under their control from one department to another. The appointment, promotion, leave and transfer of the members of the establishments of the Courts of Special Magistrates have not been controlled by the High Court as the Head of the Judicial Department. But extensions of the service of members of the establishments of special Magistrates have come before the High Court. Sometimes, when additional clerks are required for the special Magistrates' Courts, the High Court is addressed; so also in regard to the revision of the scale of establishments of the Special Magistrates' Courts. And since the introduction of the separation scheme, the Budget relating to the Courts of Special Magistrates is classified under "18-Courts of Law, 4 Criminal Courts," and is dealt with by the High Court.

The High Court as the Head of the Judicial Department should exercise disciplinary jurisdiction in respect of all Courts, Civil and Criminal; and by the amalgamation of the Civil and Magisterial cadres of the Judicial Department ordered in Government Order No. 2347-2388/C.B. 76-27 dated 24th September 1927, the transfer of ~~officials~~ officers from Civil to Criminal duties has been facilitated.

Some First Class Magistrates of the grade of Subordinate Judges have Civil work, appellate and original; Some Magistrates do Original Civil work as Additional Munsiffs; and some Munsiffs are empowered to do original Criminal work as Magistrates. A criminal court may have some clerks for Civil

work and vice versa. There is some inconvenience in the establishment of an officer exercising such combined functions being under divided control.

[I am to add that the Judges of the High Court are in no way anxious to add to their administrative work. It already occupies a great deal of time which might otherwise be devoted to Judicial work. But it would be logical and in some ways convenient if the establishments of all Courts, Civil and Criminal, were under the administrative control of the High Court.]

I have the honour to be,
Sir,
Your most obedient servant,

J. Shamiengar
Registrar.

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

No. P.36.384-41 CS 10/-36-1
Dated 3.12.36.

The District Magistrates
Of Districts

Sir,

I am directed to forward herewith Copy of a letter No Roc Petn 23/36-37 Of 23.10.1936 from the Registrar High Court in the matter of the administrative Control over the Staffs of the Courts of Special Magistrates in the State and to request that Govt may be favoured with your Views in the matter

The favour of a very early reply is requested.

I have etc

Chief Secretary to Govt

WD 03603—GPB—15,000—8-7-35

Copy of letter No.....C 33/30-37 dated 22nd/23rd October 1930 from the Registrar, High Court of Mysore, to the Chief Secretary to Government

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I am directed to request that, if convenient, the Government will be pleased to issue orders whether the High Court shall be the controlling authority in regard to the appointment, promotion, retirement, punishment and dismissal of members of the staffs of the courts of Special Magistrates. A doubt has arisen in regard to an appeal by a head clerk of a Special Magistrate's Court against an order of the District Magistrate dismissing him; and it is not clear whether the appeal lies to the High Court or to the Revenue Commissioner. Vide the Government in their Order No.4550-600J/Ctn.312-16-1 dated 10th May 1916, decided on the introduction of the scheme for the separation of judicial and executive functions, a beginning was made with the introduction of the scheme into Bangalore and Kolar Districts (vide Government Order No. .7362-69/Ctn.27 16-8 dated 1st November 1916). In addition to the Government empowered the Deputy Commissioners and District Magistrates to select competent officials for the new courts and directed that the establishments of those courts should be under the control of District Magistrates. (Vide last two sub-paragraphs of paragraph 6 of the Government Order of 1st November 1916). Similarly while ordering the introduction of the scheme into the other districts of the State in succession the Government continued to empower the Deputy Commissioners and District Magistrates of the respective districts to select competent officials for the new courts and directed the continuance of the establishments of the courts in those districts under the control of the District Magistrates concerned. Accordingly the District Magistrates have exercised control over the establishments of the Special Magistrates' Courts in their districts. The Deputy Commissioners they have also control over the establishments of the Revenue, Police, Excise and other departments in their districts. Thus the Deputy Commissioners and District Magistrates can transfer the members of the staffs of

the several departments under their control from one department to another. The appointment, promotion, leave and transfer of the members of the establishments of the Courts of Special Magistrates have not been controlled by the High Court as the head of the Judicial Department. But extensions of the service of members of the establishments of Special Magistrates have come before the High Court. Sometimes, when additional clerks are required for the Special Magistrates' Courts, the High Court is approached; so also in regard to the revision of the scale of establishments of the Special Magistrates' Courts. And since the introduction of the separation scheme, the budget relating to the Courts of Special Magistrates is classified under "19-Courts of Law, & Criminal Courts", and is dealt with by the High Court.

The High Court as the head of the Judicial Department should exercise disciplinary jurisdiction in respect of all Courts, Civil and Criminal; and by the consolidation of the Civil and Magisterial Courts of the Judicial Department ordered in [illegible]2347-M336/[illegible].76-47 dated 24th September 1947, the transfer of officers from Civil to Criminal duties has been facilitated.

The First Class Magistrates of the grade of Subordinate Judges have Civil work, appellate and original; some Magistrates do original Civil work as Additional Dunsiffs; and some Dunsiffs are [illegible] empowered to do original Criminal work as Magistrates. A Criminal Court may have some clerks for Civil work and vice versa. There is some inconvenience in the establishment of an officer exercising such combined functions being under divided control.

For Chief Secretary to Government.

3387/36

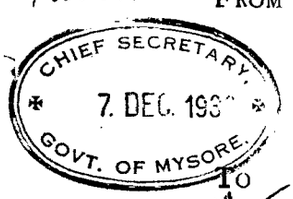
No. L.Dis.G1 709/36-37
Enc.

OFFICE OF THE DISTRICT MAGISTRATE,
MYSORE DISTRICT.

Dated, Mysore, 4th December 1936.

Prohibr

FROM



T.G. Rama Iyer Esq., B.A., CS-101-36-3
THE DISTRICT MAGISTRATE,
MYSORE DISTRICT, MYSORE.

TO

B.T. Kesavaiengar, Esq., B.A.,
Chief Secretary to the Government of Mysore,
Bangalore.

SIR,

Referring to your letter No. P.3634-41/Cts 101-36-2 dated 3rd December 1936, calling for my opinion in the matter of administrative control over the staffs of the Special Magistrate's Courts, I have the honour to state that the staffs of the Special Magistrate's Courts are generally officials of the Revenue Department, transferred to such Courts, who look forward for promotion in the Revenue Department. In this respect their case is different from that of the officials of the Munsiff's Courts and Sub Judge's Courts who are recruited directly to the Judicial Department and who look forward for promotions only in that Department. So long as the present system of recruiting the staff of Special Magistrates' Courts from the Revenue Department and giving them promotions in the Revenue Department ~~contains~~ continues, the administrative control over those establishments should naturally vest in the Revenue Department.

I have the honour to be,

Sir,

Your most obedient servant.

District Magistrate,
Mysore District.

3505/36

No. L.Dis.372/36-37.

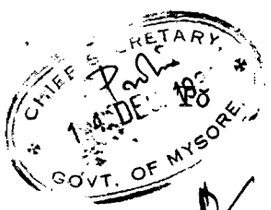
OFFICE OF THE DISTRICT MAGISTRATE,
SHIMOGA DISTRICT.

Dated Shimoga, 12th December *1936*.

Cts 101-36-4

FROM

S. NARAYANA RAO, ESQ., M.A. (HONS.),
District Magistrate,
Shimoga District.



B. T. Kesaviengar, Esq., B. A.,
Chief Secretary to the Government of Mysore,
Bangalore.

SIR,

Subject :- Special Magistrates' courts - Administrative control of High Court.

With reference to your letter No. P.8634-41/Cts.101-36-2 dated 1/3th December 1936 on the above subject, I have the honour to state that it seems necessary that the staff of Criminal Courts should be under the control of the District Magistrates and Deputy Commissioners as at present, but there seems to be considerable force in the suggestion that appeals against the orders of the District Magistrates with re: such officials should be to the High Court and that it should exercise powers like other Heads of Departments.

I have the honour to be,
Sir,
Your most obedient servant,

for District Magistrate,
Shimoga District.

Hkm

3629 836
P

D. C. 3]

In reply please refer to—
No. J.2336/36-37

OFFICE OF THE DISTRICT MAGISTRATE,
KADUR DISTRICT.

Chikmagalur, dated 18th December *1936*.

CS 101-36-5

FROM B.S. Raghavendra Rao,Esq.,M.A.,(Hons),
District Magistrate,
Kadur District.

TO B.T. Kesavaiengar, Esquire, B.A.,
Chief *Secretary to the Government of*
His Highness the Maharaja of Mysore,
BANGALORE.

SIR,

With reference to your letter No. P. 3634-41/Cts.101-36-2 dated 3rd December 1936, forwarding a copy of the High Court Registrar's letter No. R.O.C.Petn.23/36-37 dated 23rd October 1936, in the matter of the administrative control over the staffs of the Courts of Special Magistrate in the State and calling for my views in the matter, I have the honour to state that it is not clear whether the proposals of the High Court, imply any change in the powers that are at present being exercised by the District Magistrate as head of the Criminal Administration in the District in respect of the establishments of the Special Magistrates' Courts. If the proposal is only to amalgamate the establishments of all the criminal courts in the State into a single cadre for purposes of fixing up seniority and promotion, the controlling authority vesting in the High Court, there would be no objection, except that the promotion of the officials would be restricted to a smaller sphere as there will necessarily be a limited number of higher posts available as promotion vacancies. This would also involve the tranfer of the controlling authority from the Revenue Commissioner to the High Court.

If on the other hand the establishment of the Civil Courts are to be combined into one cadre with Criminal Courts and the control vested in the District Judge, this would in effect take away the control of the

District

District Magistrate over the establishment and this would not be desirable.

I have the honour to be,

Sir,

Your most obedient servant,

B Raghavendra Rao
18/12

District Magistrate,

Kadur District.

M.N.S.

3753 p 86

Office of the Deputy Commissioner,
Hassan District,
Dated, Hassan the 25th December 1936.

No. Sl. C.~~D.~~ Dis 259/36-37.

Ct 70/-36-6.

From

ABDUL AZIZ KHAN, Esquire., B.A.,

DEPUTY COMMISSIONER, HASSAN DISTRICT, HASSAN.

CHIEF SECRETARY, 28. DEC. 1936 GOVT. OF MYSORE.

B.T. KESAVAIENGAR, Esquire,, B.A.,

CHIEF SECRETARY TO THE GOVERNMENT OF MYSORE,

B A N G A L O R E.

Sir,

With reference to your letter No. F. 3684-41/C&S 101-36-2, dated the 1st/ 3rd December 1936, calling for my opinion in the matter of transferring the administrative control over the staffs of the Courts of Special Magistrates to the High Court I have the honor to state as follows:-

1. The unit for the purpose of calculating vacancies and ~~the~~ determining the method of thier disposal is the District in the case of Departments under the control of the Deputy Commissioner and all subordinate officers entrusted with powers of appointment should report vacancies occuring in thier offices to the Unit Officer so as to enable him to register, classify and fill them up under Central Recruitment Board Rules. Transfers, promotions and appointments are very well regulated from the Judicial to Revenue Department and Vice Versa as the Deputy Commissioner is the Chief -- Controlling Authority over these Establishments. With a view to secure uniformity of procedure, it is proposed that the pay of the Establishments of the Special Courts should be revised so as to correspond ~~to~~ with the several grades in the Revenue Department so that transfers and promotions between these two Departments may be made regularly and systematically.

2. The fact that the pay of the Special Court Establishment is

is debited to a separate Budget Head " 18 Courts of Law, 4 Criminal Courts " is not in my opinion a sufficient cause to transfer the control as the Deputy Commissioner is the Head of other Departments whose pay is debited to separate Budget Heads. For instance, the pay of Excise, Registration, Income-tax, Motor, Village Panchayet, Record Of Rights, Treasury Establishments is debited to different Budget Heads, but yet the Chief Controlling Authority over these Establishments is the Deputy Commissioner.

2. In the matter of grant of extensions to members of the Special Courts, there appears to be no difficulty as under article 308 (a) (1) of M.S.R. the power of permitting any non-gazetted subordinate to remain in service for a definite period is vested in the Deputy Commissioner and there appears to be no need to make a reference to the High Court on this issue. The High Court may return such references to the Deputy Commissioner for disposal according to Rules.

3. The High Court is moved for sanctioning additional Establsihment whenever necessary as is done in the case of other Departments, as the power of sanctioning additional Establsihment is vested in the High Court.

4. There is at present no difficulty in dealing with the Establishments of Criminal Courts and I am therefore of opinion that the Deputy Commissioner as District Magistrate should remain as the Chief Controlling Authority over Criminal Court Establishments as here to fore and that the existing rules on the subject call for no interference.

I have the honor to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Hassan District.

4192 P 636

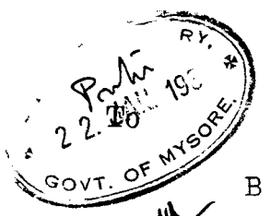
In all future correspondence please quote this
No. J.C.C.2216/36-37.
Encls.

OFFICE OF THE DISTRICT MAGISTRATE,
KOLAR DISTRICT.

Dated, Kolar, the 21st January 193 7.

Cts 101-36-6

FROM J. Appaji Gowda, Esq., B.A.,(Hons).,
~~T.C.RAMAIYER, Esq.,~~
District Magistrate,
Kolar District.



B. T. KESAVAIENGAR, Esq., B.A.,
Chief Secretary to Government of Mysore,
Bangalore.

SIR,

With reference to your letter No:P.3634/Cts.101-36-2 dated 3rd December 1936, requesting me to furnish my opinion in the matter of the administrative control over the staffs of the Courts of the Special Magistrates in the State, I have the honor to state as follows:-

1. At present, there are no separate cadres for the Judicial and Revenue Departments, the Deputy Commissioner and District Magistrate having control over the establishments of the Special Magistrate Courts within the District, in the matter of promotion, confirmation, grant of leave and transfer of officials etc., within the District. Many of the officials working in the subordinate Criminal Courts have lien on their appointments in the Revenue Department. In these circumstances, unless a separate cadre is sanctioned both for the Judicial and Revenue Departments so that the officials working in a particular department - may seek promotion or transfer only in that Department having their lien also in the same department, the exercise of control over the establishments of all the Courts in the State, both Civil and Criminal, by the High Court, is not feasible. Even if a separate cadre is sanctioned for the Judicial Department and the existing incumbents or those having lien on the appointments are confirmed in such cadre, the District -- Magistrate cannot be entirely divested of the control over such staff. He should be empowered to make appointments and promotions within his powers of sanction and also effect transfers from one Court to the other within the District and also exercise disciplinary control over the -- staff. The High Court as Head of the Judicial Department may hear appeals from the orders of the District Magistrate in the above matters

and they may on their motion transfer officials from one Court to the other, in different districts with or without the consultation of the District Magistrates concerned and also effect such transfers of officials in the Courts within the same District, after - formally consulting the District Magistrate of that District.

2. Even under the existing conditions, it is more appropriate that appeals from the orders of the District Magistrate in regard to promotions in the vacancies arising in the Court establishment and disciplinary action in regard to the work of the officials in such courts, should be preferred to the High Court and not to the Revenue Commissioner.

3. Regarding the interchange of officials from the Civil side of the Court to the Criminal side and vice versa, or the transfer of officials working in the Civil Courts to Criminal Courts and Vice versa, according to exigencies of public service, the High Court may exercise the power in consultation with the District Judge or the District Magistrate concerned.

I have the honor to be,
S i r,
Your most obedient servant,

District Magistrate,
Kolar District.

4 97

4272-936

Tel. Address :—DEPCOM., Tumkur.

In reply please refer
No. J.C.136/36-37
Enc. ...../.....

OFFICE OF THE DEPUTY COMMISSIONER,
TUMKUR DISTRICT.

Dated Tumkur, the 25th January 193 7

CS 101-36-7

FROM

T. ABDUL KHADIR, ESQ., B.A.,
Deputy Commissioner, & Dist., Magistrate
Tumkur District, TUMKUR.

To

B.T. Kesavaiengar Esquire, B.A.,
Chief Secretary to Government of Mysore,
BANGALORE.

CHIEF SECRETARY
26 JAN 19..
GOVT. OF MYSORE.

SIR,

With reference to your letter No.P.3634-41/Cts.101-36-2 dated 3rd December 1936, forwarding for opinion copy of letter No.R.O.C.Pet.23/36-37 dated 23rd October 1936 from the Registrar High Court in the matter of the administrative control over the staffs of the Courts of Special Magistrates etc., I have the honor to state as follows:-

The marginally noted establishment has been sanctioned to the Special Magistrate's Courts in the District. The appointments, promotions and transfers of these officials are at present made by the Deputy Commissioner and District Magistrate. The appointments are made either by selection out of the establishment of the Revenue Department or by recruitment out of the candidates eligible for appointment in the Revenue Department as per approved list from the Central Recruitment Board. This system of interchange of officials between the Revenue Department and the Special Courts facilitates the timely promotion and transfer of officials of the Special Courts. In case the Special Courts are treated as

I MAGISTRATE'S COURT, TUMKUR

1. Head Clerk on Rs.50/-
2. One clerk on Rs.35/-
3. Two Clerks on Rs.25/- each.

II MAGISTRATE'S COURT, TUMKUR.

1. Head Clerk on Rs.40/-
2. One clerk on Rs.30/-
3. One clerk on Rs.25/-

SPECIAL MAGISTRATES COURTS OF MADHUGIRI AND TIPTUR.

Same as II Magistrate's Court, Tumkur.

as a separate unit the chances of promotion and transfer of officials will be very remote on account of the existence of different scales of pay in the courts. If the establishment of the Special Courts is amalgamated with the establishment of Civil Courts the District Magistrate who is the inspecting officer of these courts will have no disciplinary control over the staff and the work cannot be carried on efficiently. The Deputy Commissioner is also the head of the Excise, Incometax and Registration Departments in the District and he has been empowered to appoint, transfer and promote the officials of these Departments. The Heads of these Departments exercise appellate powers in case of punishment etc., of the staff. There does not appear to be any difficulty if the High Court is given the appellate powers in respect of the staff of the Special Magistrate's Courts.

I have the honor to be,
Sir,
Your most obedient servant,

District Magistrate,
Tumkur District.

T.M.C. 25/1

4784/36

No 101-36-8P

In all future communications please quote
No. J1-1737/35-36
Enc.

Tel. Address.—"DEPCOM"
Post Box No. 34.

OFFICE OF THE DISTRICT MAGISTRATE,
BANGALORE DISTRICT.

Dated, Bangalore, the 15th February, ...193 7.

FROM

V. Vedavyasacharya, Esq., B.A.,
District Magistrate,
Bangalore District.

CHIEF SECRETARY * 16 FEB 193 * GOVT. OF MYSORE.

TO

B. T. Kesavaiengar, Esq., B.A.,
Chief *Secretary,*
to the Government of Mysore.

SIR,

Subject:—

17/2

With reference to your letter No.P.3634-41 cts.101-36-2 dated 1/3-12-36 calling for my views in the matter of the administrative control of the staffs of the Courts of Special Magistrats, I have the honour to state that the District Magistrate has been the unit officer for purposes of recruiting the staff of the Special Magistrates' Courts and it has been the practice for him to exercise allied powers like transferring, sanctioning leave ~~leave~~ to and promoting such staff in the interests of work. Larger questions, however, like ordering retirements, sanctioning extension of service, granting additional staff etc., have always been referred to the High Court as the chief controlling judicial authority in the same ~~measure~~ manner as the matters relating to the staff of Revenue Department are referred to the Revenue Commissioner as the Head of that Department.

2. The High Court has under its consideration the question of establishing a combined office for the four first class Magistrates' Courts at Bangalore City, on time scale pay similar to that obtaining in the Revenue Department. If this proposal is sanctioned, it will further facilitae the exchange of officials between the Courts and the Revenue offices according to the needs of each office. This will by no means militate against the controlling powers of the High Court.

3. I am therefore of opinion that the District Magistrate may continue, as heretofore, to exercise in respect of the Establishments of the Criminal Courts under his control, powers similar to those which he is exercising in his capacity as Deputy Commissioner, in

respect of the staffs of the Revenue offices subordinate to him.

It is possible, however, that there may be a certain amount of inconvenience in respect of the staff of an officer exercising combined functions civil and criminal. But such courts are few and the District Magistrates may refer any questions relating to establishments of such courts to the High Court before taking final action.

I have the honour to be,

S i r,

Your most obedient servant,

DISTRICT MAGISTRATE
~~BANGALORE~~ DISTRICT.
(Absent from Head Qrs)

SV V/

5295
P 36

Tel. Address:—Dismag.
CHITALDRUG.

In reply, please refer
No. J3.L.1847/36-37
Enclosures

OFFICE OF THE DISTRICT MAGISTRATE.
CHITALDRUG DISTRICT.

Dated Chitaldrug, 4th May *19*37.

CS 101-36-9

FROM

M. NAVANEETHAM NAIDU, ESQ., B.A., B.L.,

District Magistrate,
Chitaldrug District.

CHIEF SECRETARY 5. MAY 1937 GOVT. OF MYSORE.

B.T. KESAVAIENGAR, ESQ., B.A.,
Chief Secretary to Government of Mysore,
Bangalore.

Sir,

With reference to your letter NO. P3634-41/Pol.101-36-2 dated 3rd December 1936, requesting to furnish my views in the matter of the administrative control over the members of the staffs of the courts of Special Magistrates in the State, I have the honor to state that it is very necessary that the District Magistrate should as the head of the Magistracy in the District exercise control over the establishment of the courts of the Special Magistrates in regard to the appointment, promotion, retirement and punishment of the members of the staff of the Special Courts.

The High Court, as the head of the Judicial Department in the state, may be vested with authority to hear appeals against the decisions of the District Magistrate on all matters affecting the establishments of the Special Courts.

I have the honor to be,
Sir,
Your most obedient servant

Navaneetham

DISTRICT MAGISTRATE
CHITALDRUG DISTRICT.

4/5/37

14 Cases

Proceedings of the Government of His Highness the Maharaja of Mysore.

.....

Read:-

Letter No.R.O.C. Petn.23/36-37 dated 22/23rd Octr.1936 from the Registrar, High Court of Mysore, bringing to the notice of Government the inconvenience that is being experienced regarding the administrative control over the staff of the Courts of Special Magistrates in the State and communicating the view of the High Court in the matter for orders of Government.

2. Communications from the Revenue Commissioner in Mysore and ~~Deputy Commissioners~~ District Magistrates of Districts in the matter.

Order No.P3196-3206 Cfs-101-36-10.

Bangalore, 21st Decr.1937.

Consequent on the introduction of the Scheme for the separation of Judicial and Executive functions, Government empowered the Deputy Commissioners and District Magistrates of Districts to select competent officials for the new Courts, and directed that the establishments of these Courts should remain under the control of the District Magistrates As Deputy Commissioners, they have also control over the establishments of Revenue, Police, Excise and other departments in the Districts. While the system has the advantage of effecting appointments, promotions, transfers etc., of the staff of the

the several Departments under the control of the Deputy Commissioners, questions regarding extension of service of officials, provision of additional staff, revision of scale of establishments etc., of Special Magistrates' Courts are being referred to the High Court and the Budget relating to these Courts is classified under 18 Courts of Law and is dealt with by the High Court, The High Court considers that it would be logical and convenient if the establishments of all Courts, Civil and Criminal were under its administrative control.

~~It cannot be denied that~~ The High Court is the Chief Administrative head of the Judicial Department - Civil as well as ~~as~~ Criminal. But ~~considering~~ having regard to present system the ~~special mode~~ of recruitment to the Criminal Courts, Government consider that ~~except in the matter~~ of appointment and promotion, the High Court may exercise other powers over the staffs of the Criminal Courts ~~such as retirement, punishment, hearing appeals etc.,~~ and ~~are pleased to order accordingly~~. This arrangement will be in force for a period of two years in the first instance.

The Registrar, High Court is requested to forward to Government a report as to the working of the above arrangement by the end of the period to enable them to consider the desirability of continuing the arrangement thereafter.

9.12.37

Chief Secretary to Government.

The Registrar, High Court of Mysore.
The Revenue Commissioner in Mysore.
The District Magistrates of Districts.
The Comptroller to Government.

2.12.37.

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read [illegible] Letter No. [illegible] dated [illegible] October 1906, from the Registrar, Chief Court of Mysore, [illegible] to the notice of Government the inconvenience that is being [illegible] administrative control over the staff of the [illegible] of [illegible] Magistrates in the [illegible] the High Court in the matter [illegible] orders of Government.

[illegible] from the Revenue Commissioner in [illegible] Magistrates of Districts in the matter.

[illegible] P 3195-3206 / Ch 101-36-10

[illegible] the 21st [illegible] 1907.

[illegible] the introduction of the scheme for the separation of judicial and [illegible] functions, Government [illegible] Magistrates of Districts [illegible] and that the [illegible] should remain under the control of the [illegible]. [illegible], they [illegible] in the Districts. [illegible] the system [illegible] of the general [illegible] the [illegible] staff, [illegible] of the [illegible] High Court and [illegible] to [illegible] High Court [illegible] if the [illegible] control.

The High Court is the chief executive head of the judicial department - Civil [illegible] all the would centrally have control over the [illegible] of the courts. But having regard to the present state of development of the criminal courts, Government considers that the District Magistrate and Chief Presidency Magistrate should have the powers of appointment and [illegible] and that the High Court can exercise all other powers over the staff of the criminal courts. This arrangement will be in force for a period of five years in the first instance.

The Registrar, High Court is requested to furnish to Government a report as to the working of the new arrangement by the end of the period to enable them to decide on the desirability of continuing the present arrangement hereafter.

(Sd) B. T. Kesavangar
Chief Secretary to Government.

The Registrar, High Court of Fort St. George.
" Revenue Commissioner in Cuttack.
" Director of Medical Services.
" Comptroller to Government.

Press Copy

C.S.16

for Chief Secretary to Government

S.O

Government of his highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. P. 3195-3206—Cts. 101-36-10, dated 21st December 1937.

Administrative control over the staffs attached to the Courts of the Special Magistrates.

Passes orders in the matter of —— in the State.

READ—

Letter No. R. O. C. Petn. 23—36-37, dated 22nd—23rd October 1936, from the Registrar, High Court of Mysore, bringing to the notice of Government, the inconvenience that is being experienced regarding the administrative control over the staff of the Courts of Special Magistrates and communicating the view of the High Court in the matter for orders of Government.

2. Communications from the Revenue Commissioner in Mysore and District Magistrates of Districts in the matter.

ORDER No. P. 3195-3206—CTS. 101-36-10, DATED BANGALORE, THE 21ST DECEMBER 1937.

Consequent on the introduction of the scheme for the separation of Judicial and Executive functions, Government empowered the Deputy Commissioners and District Magistrates of Districts to select competent officials for the new Courts, and directed that the establishments of these Courts should remain under the control of the District Magistrates. As Deputy Commissioners, they have also control over the establishments of Revenue, Police, Excise and other departments in the Districts. While the system has the advantage of effecting appointments, promotions, transfers, etc., of the staff of the several departments under the control of the Deputy Commissioners, questions regarding extension of service of officials, provision of additional staff, revision of scale of establishments, etc., of Special Magistrates' Courts are being referred to the High Court and the Budget relating to these Courts is classified under "18. Courts of Law" and is dealt with by the High Court. The High Court considers that it would be logical and convenient if the establishments of all Courts, Civil and Criminal were under its administrative control.

2. The High Court is the Chief Administrative head of the Judicial Department—Civil as well as Ciriminal—and should naturally have control over the entire establishment of the Courts. But having regard to the present system of recruitment to the Criminal Courts, Government consider that the District Magistrate concerned should deal with questions of appointment and promotion, and that the High Court may exercise all other powers over the staffs of the Criminal Courts. This arrangement will be in force for a period of two years in the first instance.

3. The Registrar, High Court, is requested to forward to Government, a report as to the working of the above arrangement by the end of the period to enable them to consider the desirability of continuing the arrangement thereafter.

By Order,
Chief Secretary to Government.

To—The Registrar, High Court of Mysore.
The Revenue Commissioner in Mysore.
The District Magistrates of Districts.
The Comptroller to Government.

Exd.—C. K.

WD 1191—GPB—530—18-1-38

Gn.

Proceedings of the Government of His Highness the Maharaja of [illegible].

Read:-

Letter No. [illegible] dated 23rd October 19[illegible], from the Registrar, High Court of [illegible], bringing to the notice of Government the inconvenience that is being experienced regarding the administrative control over the staff of the Courts of Special Magistrates in the State and communicating the views of the High Court in the matter for orders of Government.

2. Communications from the [illegible] Deputy Commissioner [illegible] and District Magistrates of [illegible] in the matter.

Order No. P3195-3206 CS-101-36-10 / 288

[illegible], dated the 17th [illegible] 1947.

Consequent on the introduction of the scheme for the separation of Judicial and Executive functions, Government empowered the Deputy Commissioners and District Magistrates of Districts to [illegible] officials [illegible], and directed that the establishments of these courts should remain under the control of the District Magistrates. As Deputy Commissioners, they may also [illegible] establishments of [illegible], police, [illegible] departments in the Districts. Thus the system has the advantage of [illegible] appointments, promotions, transfers, etc., of the staff of the several departments under the control of the Deputy Commissioners. Questions regarding extension of service of officials, provision of additional staff, revision of scale of establishments etc., of Special Magistrates' Courts are being referred to the High Court and the budget relating to these Courts [illegible] under 10 Courts of [illegible] and is dealt with by the High Court. The High Court [illegible] that it would [illegible] if the establishments [illegible], [illegible] their control.

The High Court is the Chief Administrative Head of the Judicial Department - Civil as well as Criminal and should naturally have control over the entire establishment ~~of the~~ of the courts. But having regard to the present system of recruitment to the Criminal Courts, Government are considering that the District Magistrate concerned should have a say in cases of appointment and promotion, and that the High Court may exercise all other powers over the staffs of the Criminal Courts. This arrangement will be in force for a period of two years in the first instance.

The Registrar, High Court is requested to forward to Government a report as to the working of the new arrangement by the end of the period to enable them to consider the desirability of continuing the arrangement thereafter.

Which Secretary to Government.

To

The Registrar, High Court of Judicature.
" Revenue Commissioner in Salem.
" District Magistrates of Districts.
" Comptroller to Government.

L.K.14

	Designation of Offr furnishing the opinion	Opinion of the Offr	Remarks
1)	Dist. Magistrate Mysore Dist.	The administrative Control over the establishments of the Special Magistrate's Courts to Vest in the Revenue Department to long as the present System of recruiting the Staff of these Courts from the Rev. Dept and giving them promotions in Rev dept Continues.	
2)	do — Shimoga	(1) The Staffs of criminal Courts to be under the Control of the Dist. as at present, the appeals against the orders of the Dist. Magistrates being decided by the High Court.	
3)	do - Kadur	If the establishments of the Criminal Courts are to be amalgamated ~~to~~ a Single Cadre, the Controlling authority to vest in the High Court. This would however restrict the promotions of the Officials to a Smaller Sphere. (2) If on the other hand the establishment of Civil courts are to be continued into one Cadre with Criminal Courts and the Control vested in Dist. Judges, the change in this direction would not be desirable.	
4)	do - Hassan	(1) The pay of these establishments of these Courts to be revised so as to correspond with the Several grades in the Rev. dept (2) The ACs and Dist. Magistrates	

	to remain as the Chief Controlling authority over Criminal courts establishments as heretofore.	
D.M. Kolar	(1) The Dist. Magistrates not to be divested of the Control over the Staffs of the Criminal Courts. (2) Appeals against the orders of the Dist. Magistrates to be preferred to the High Court. (3) Re. the interchange of Officials from Civil to Criminal Courts and vice versa, the High Court to exercise powers in consultation with the Dist. Judge or ~~the S.M.~~ Concerned.	
do — Tumkur.	The High Court to be given the appellate powers in respect of the Staff of the Special Magistrates' Courts.	
— Bangalore	(1) The S.M. to continue to exercise in respect of the establishments of Cr. Courts powers similar to those he is exercising now (2) In respect of ~~Courts~~ Staff of an Officer exercising Combined functions (Civil & Cr.), the Dist. Magistrates to refer questions relating to establishments of Sessions Courts to High Court before taking action.	

D-M. Chitaldrug

The Dist. Magistrates
to exercise control over
the estt. of the Crl. Courts
and the High Court to
be vested with powers
to decide appeals against
the orders of the D-M.
on all matters affecting
the establishments of the
Special Courts.

Serial No.

Submitted for orders
if the Consultation
is to be unofficial
The copy of H.C.'s
letter omitting last
portion as in the case
D.M.'s may be sent to H.C.

Hon'ble Rev Cannon
28.7.17 may be consulted
unofficially

Chief Secy)

Yes
28/7
30/7
30.7

NOTE—Contn. Sheet.